

May 5, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0231

Joanne C. Cimino and Fred J. Cimino, III

Bermuda Magisterial District
10340 Hamlin Drive

REQUEST: A seventeen (17) foot Variance to the thirty-five (35) foot front yard setback requirement for an attached garage in a Residential (R-12) District.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is located at 10340 Hamlin Drive. Tax ID 788-663-3005 (Sheet 26).

Existing Zoning:

R-12

Size:

.345 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential
South - R-12; Residential
East - R-12; Residential
West - R-12; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Plan)

Residential
(1.01 to 2.5 units per acre)

DISCUSSION

The applicants are proposing to construct an addition to the southwest side of the dwelling. The applicants have indicated the addition will be located eighteen (18) feet from the front property line. The Zoning Ordinance requires a thirty-five (35) foot setback requirement in a Residential (R-12) District. Therefore, the applicants request a seventeen (17) foot Variance (see attached plat).

The applicants provide the following justification in support of this request:

We would like to add an attached garage to the existing structure. This is the only valid location on this property to add an attached garage.

On November 5, 2003, the applicants requested a twelve (12) foot Variance to the thirty-five (35) foot front yard setback requirement for an attached garage. At the meeting, the applicants indicated they wanted to defer their request to December 3, 2003, to allow them an opportunity to amend the application. The applicants reduced their request to a 0.3 foot Variance and the Board of Zoning Appeals approved their request. A copy of the minutes of the December 3, 2003, Board meeting is attached.

Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21(b)) has not been met. The applicants could reduce the size of the proposed garage, thereby meeting the setback requirements.

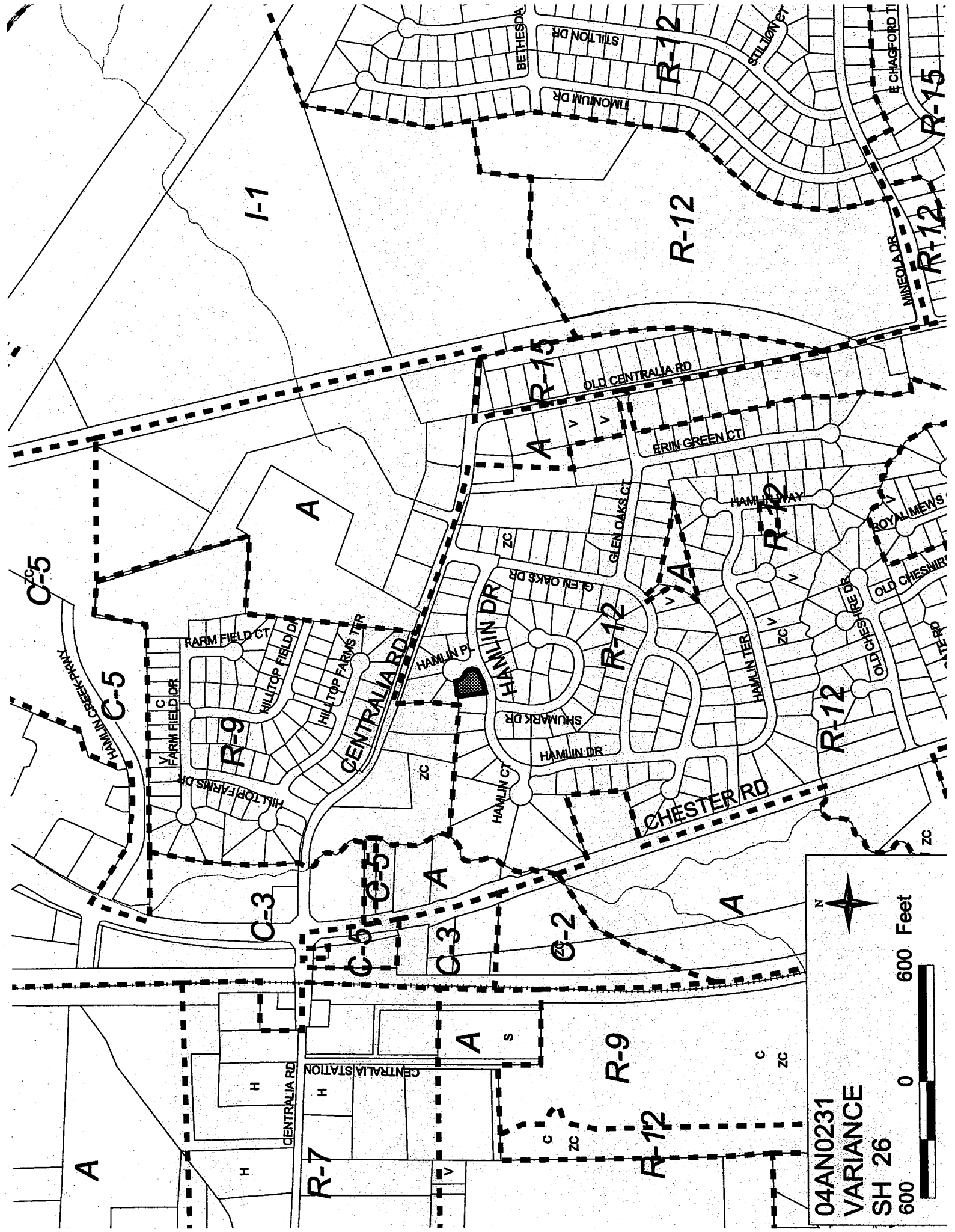
Staff is also concerned about the possible negative impact this garage may have on the adjacent property to the left. The proposed garage would be located eighteen (18) feet from the front property line and may create a sight distance problem.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals support this request, it should be applicable to this addition only. Other additions could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

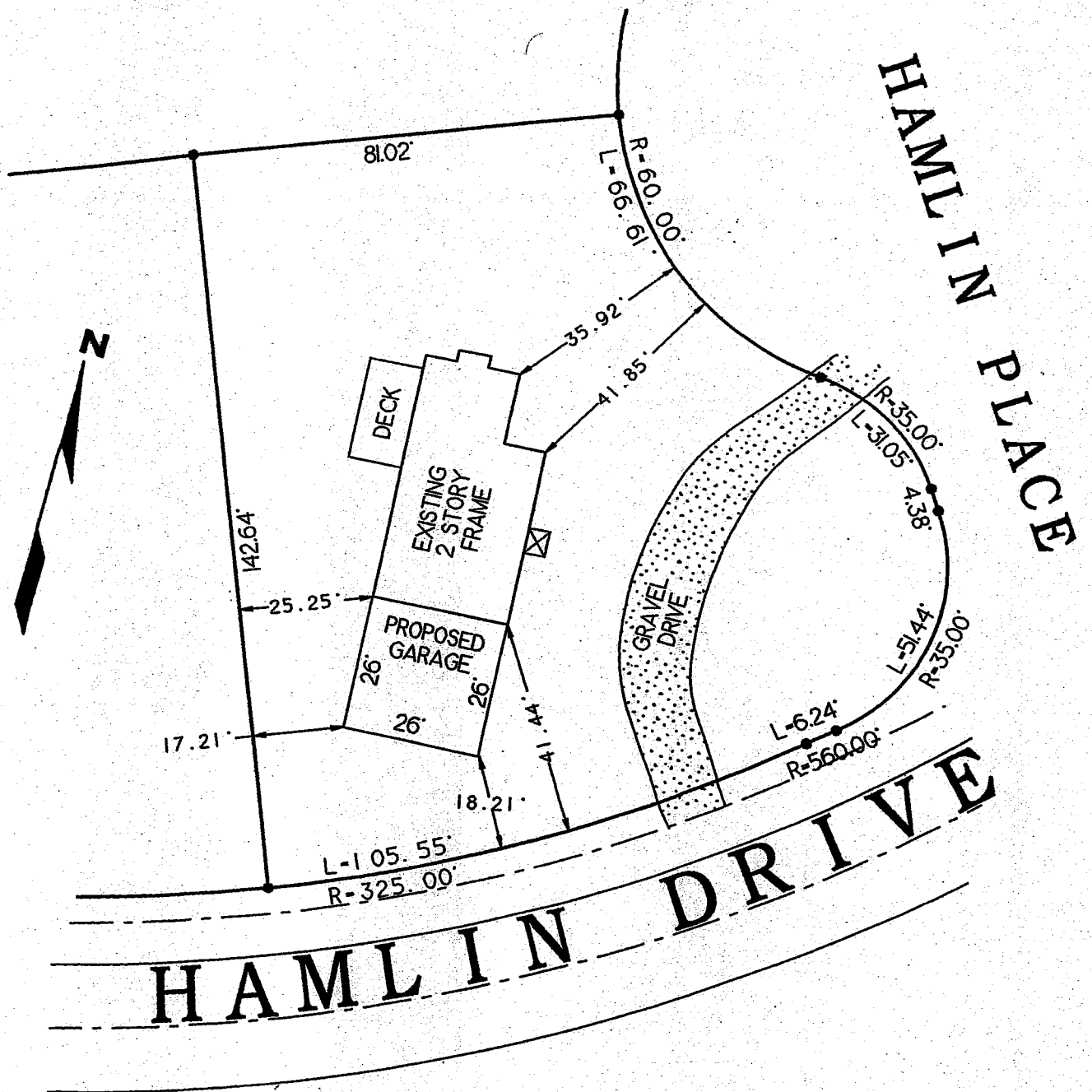
CONDITION

This Variance shall be for the garage as depicted on the plat attached to staff's report.



04AN0231
VARIANCE
SH 26

600 0 600 Feet





Chesterfield County, Virginia
Board of Zoning Appeals
December 3, 2003

PRESENT:

Mr. Joseph L. Biggs, Chairman
Mr. W. Baxter Perkinson, Sr., Vice-Chairman
Mr. John E. Caperton
Mr. Graham C. Daniels

ABSENT

Mr. H. Stephen Moore, Jr.

ALSO PRESENT:

Mr. J. Michael Janosik, Secretary to the
Board of Zoning Appeals, Zoning Administrator,
Planning Department
Ms. Donna McClurg, Planner,
Planning Department
Ms. Vanessa Kent, Assistant Deputy Clerk,
Administration Branch, Planning Department
Mr. David Robinson, Assistant County Attorney,
County Attorney's Office

04AN0137: (Amended) In Bermuda Magisterial District, **JOANNE C. CIMINO AND FRED J. CIMINO, III** requested a 0.3 foot Variance to the thirty-five (35) foot front yard setback requirement for an attached garage and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.50 units per acre. This property is known as 10340 Hamlin Drive. Tax ID 788-663-3005 (Sheet 26).

Ms. McClurg gave a summary on the background information and staff's recommendation for denial of Case 04AN0137. Also, if the Board felt that this request had merit, it be granted subject to the condition recommended by staff.

Mr. Fred Cimino, the applicant, came forward to present new plans to the Board.

Mr. Daniels advised the Board since the applicant met the requirements presented to him at the November 5, 2003, Board of Zoning Appeals meeting that they should proceed with the motion unless there was opposition; otherwise, they would hear from the opposition.

There was no opposition present.

On motion of Mr. Daniels, seconded by Mr. Caperton, the Board resolved to approve the request for a 0.3 foot Variance to the thirty-five (35) foot front yard setback requirement for an attached garage, subject to the following condition.

CONDITION

This Variance shall be for the garage as depicted on the plats (04AN0137 – 2 and 3) attached to staff's report.

AYES: Messrs. Biggs, Perkinson, Caperton and Daniels.

ABSENT: Mr. Moore.